

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

HARTFORD CASUALTY
INSURANCE COMPANY,

Plaintiff,

VS.

No. 06-1040-T/An

DEBERRY ROOFING COMPANY,
INC.; RICHARD LANE DEBERRY;
and STACY L. DEBERRY,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION AND DIRECTING ENTRY OF JUDGMENT

The plaintiff, Hartford Casualty Insurance Company, filed this action on February 21, 2006, seeking recovery on a surety bond issued on behalf of the defendants, Deberry Roofing Company, Inc., Richard Lane Deberry and Stacy L. Deberry. On October 26, 2006, the defendants having failed to answer the complaint within the prescribed time period, the Court entered a default judgment and referred the matter to Magistrate Judge S. Thomas Anderson for a Report and Recommendation on damages. After considering the evidence and argument submitted by the plaintiff, Magistrate Judge Anderson issued his Report and Recommendation on December 27, 2006, recommending that judgment be entered against the defendants in the amount of \$320,139.36, plus interest. Plaintiff has filed no objection to the Report and Recommendation.

The Court finds that Magistrate Judge Anderson's Report and Recommendation is supported by the evidence in the record, and that it is reasonable and in accordance with the law. Therefore, the Court hereby ADOPTS the Report and Recommendation in its entirety. Accordingly, the Clerk is directed to prepare a judgment in favor of Hartford Casualty Insurance Company against the defendants Deberry Roofing Company, Inc., Richard Lane Deberry and Stacy L. Deberry, jointly and severally, in the amount of \$320,139.36, plus interest of 12.25% on each payment made by the plaintiff up to the date of entry of judgment.¹

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

¹ The interest should be calculated as of the date of each payment made by the plaintiff, as set forth in the affidavit of Gary A. Judd and supporting documentation thereto.